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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/315,247	05/20/1999	DAVID R. THOMAS	TIF-26270	6271

7590 06/24/2004

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EXAMINER

BRINICH, STEPHEN M

ART UNIT PAPER NUMBER

2624

DATE MAILED: 06/24/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.

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Commissioner for Patents

Office Action Summary

Application No.

09/315,247

Applicant(s)

THOMAS, DAVID R.

Examiner

Stephen M Brinich

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2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8,10-16,18-27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,10-16,18-27 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3-8, 10-16, 18-27, & 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Omura et al in view of Applicant's admitted Prior Art.

Re claims 1, 4, 6-8, 10-11, 13-16, 19, 21-26, & 29, Omura et al discloses (pages 889-892) a system for generating a virtual image in which the extent of the virtual image is divided into a plurality of regions each defining a focal plane, and one region (e.g. the "distinct large cube" of Figure 5(b)) is selected (and thus predetermined before the start of processing) by an observer as the region being actively observed. The image regions are recombined such that the selected region is sharp and the other regions are blurred in accordance with their respective distances from a reference point on the selected region's focal plane. Thus, images having

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a greater focal plane distance from the selected object are blurred more (page 891, column 1, second paragraph).

Re claims 3 & 18, the selected image of Figure 5(b) is a foreground object.

Re claims 5 & 20, the object selection is based on object position (via detection of the user's gaze direction and comparing this direction with the location of the object).

Re claims 12 & 27, Omura et al discloses the use of the image generating system for artificially generated computer graphics images (page 891, column 1, first paragraph) and teleconferencing images from a caller captured by a video camera at the caller's site (page 889, column 1, second paragraph).

Omura et al discloses the use of this system for generating binocular stereoscopic images for a "teleconferencing system that allows users at different locations to communicate as if they were talking face to face" (page 889, column 1, lines 1-19). However, Omura does not specify the means by which binocular stereoscopic images of users at different locations are acquired and provided to the virtual image generator at each teleconferencing location. The generation of a video images consisting of image frames to provide binocular stereoscopic images is described as known Prior Art by Applicant (page 2, lines 17-23). The use of video images consisting of frames as

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the format of the images used in Omura et al would be an expedient obvious to one of ordinary skill in the art.

Response to Arguments

3. Applicant's arguments, see Paper #17, page 10, line 4 - page 12, line 8, filed 03 May 2004, with respect to the rejection(s) of claim(s) 1-8, 10-16, 18-27, & 29 under 35 USC §112 and the rejection(s) of claim(s) 16, 18-27, & 29 under 35 USC §102 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Omura in view of Applicant's admitted Prior Art.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 703-305-4390. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 703-306-0377.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 703-308-7452.

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Faxes pertaining to this application should be directed to
the Tech Center 2600 official fax number, which is 703-872-9306.

Stephen Brinich
Stephen M Brinich
Examiner
Art Unit 2624

smb

June 23, 2004